

# Nelson Mullins

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April 19, 2016

**VIA Email and U.S. Mail:**

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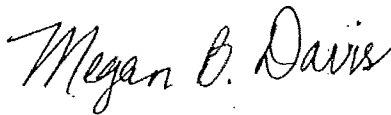
Re: *Talbott v. Boling, et al.*  
Civil Action No. 3:15-CV-105  
United States District Court for the Northern District of West Virginia

Dear Doug:

Enclosed please find "Defendants' Expert Witness Disclosures" regarding the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Megan B. Davis

Enclosure

cc: James M. Kessel, Esq.

EXHIBIT

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG**

**WILLIAM L. TALBOTT, JR. and  
PAMELA TALBOTT as husband and  
wife,**

Plaintiffs,      **CIVIL ACTION NO. 3:15-CV-105 (Groh)**

v.

**BEN W. HOOPER, III,  
ADMINISTRATOR OF THE ESTATE  
OF DAVID L. BOLING, FRONTIER  
TRANSPORT CORPORATION,  
ONLINE TRANSPORT SYSTEM, INC.  
and ONLINE TRANSPORT, INC.,**

Defendants.

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**DEFENDANTS' EXPERT WITNESS DISCLOSURE**

COME NOW Defendants, Online Transport, Inc., Online Transport System, Inc., Frontier Transport Corporation, and Ben W. Hooper, III, Administrator of the Estate of David L. Boling (collectively, "Defendants"), by and through the undersigned counsel pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure and the Scheduling Order of this Court entered on October 5, 2015, and hereby disclose that the following expert witnesses may be called to offer testimony at the trial of this matter:

1.     Joseph Cormier, Ph.D., PE  
        Biodynamic Research Corporation  
        5711 University Heights Blvd., Ste. 107  
        San Antonio, TX 78249  
        Dr. Cormier has been retained as a biomechanical engineer who will offer opinions about the magnitude of physical forces involved in the subject accident as well as their effect on Plaintiff William L. Talbott, Jr. ("Plaintiff"). A copy of Dr. Cormier's report is attached hereto as Exhibit A. Likewise, a copy of Dr.

Cormier's CV, fee schedule, and record of testimony are attached hereto as Exhibit B.

2. H. Gray Broughton, CRC, CCM  
Broughton Associates Incorporation  
6802 Patterson Avenue  
Richmond, VA 23226

Mr. Broughton has been retained to perform a Rule 35 examination of the Plaintiff and to testify as a vocational expert based upon this examination and the available medical and expert records. A copy of Mr. Broughton's preliminary report is attached hereto as Exhibit C; however, Plaintiffs have objected to a Rule 35 examination. As a result of this refusal to consent to an examination, Defendants have filed a motion seeking an order requiring such an examination as well as a motion seeking an order extending the deadline for disclosure of Defendants' expert opinions. Once the Court orders the Plaintiff to submit to an examination, and such examination is performed, a supplemental report will be prepared and submitted. A copy of Mr. Broughton's CV, fee schedule, and record of testimony are attached hereto as Exhibit D.

3. Marion McBride Herring, MD  
Advanced Orthopaedic Centers  
Richmond, VA 23294

Dr. Herring has been retained for purposes of performing a Rule 35 examination of Plaintiff with respect to his orthopedic injury claims. A copy of Dr. Herring's report is attached hereto as Exhibit E. A copy of Dr. Herring's CV and fee schedule are attached hereto as Exhibit F. Pursuant to Rule 26(a)(2), Defendants will supplement Dr. Herring's record of testimony upon receipt thereof.

4. David Buchholz, M.D.  
Johns Hopkins at Green Spring Station  
10753 Falls Road, Suite 315  
Lutherville, MD 21093

Dr. Buchholz has been retained for purposes of performing a Rule 35 examination of Plaintiff with respect to his brain injury claims. However, Plaintiffs have objected to such an examination. As a result of this refusal to consent to an examination, Defendants have filed a motion seeking an order requiring such an examination as well as a motion seeking an order extending the deadline for disclosure of Defendants' expert opinions. Once the Court orders the Plaintiff to submit to an examination, and such examination is performed, a report will be prepared and submitted. A copy of Dr. Buchholz's CV is attached hereto as Exhibit G. Pursuant to Rule 26(a)(2), Defendants will supplement Dr. Buchholz's fee schedule and testimonial history upon the court's ruling on Defendants' Motion to Compel and upon receipt thereof.

5. Alan D. Waxman, MD  
Cedars-Sinai Medical Center  
S. Mark Taper Foundation Imaging Center  
Division of Nuclear Medicine  
8700 Beverly Blvd., Taper Room 1251  
Los Angeles, CA 90048  
Defendants are in the process of retaining Dr. Waxman to testify as to Plaintiff's brain injury diagnosis, including the utility of PET imaging to diagnose mild traumatic brain injuries. However, Defendants did not receive the PET scan imaging from Plaintiff until April 1, 2016. Due to the dearth of time caused by Plaintiff's disclosure, Defendants have filed a motion seeking an order extending the deadline for disclosure of Defendants' expert opinions. Once the Court rules upon this motion, Defendants reserve the right to submit a report, fee schedule, and record of testimony by Dr. Waxman. A copy of Dr. Waxman's CV is attached hereto as Exhibit H.
6. David J. Schretlen, Ph.D  
The Johns Hopkins University School of Medicine  
Department of Psychiatry and Behavioral Sciences  
600 North Wolfe Street, Meyer 218  
Baltimore, MD 21287  
Defendants reserve the right to retain Dr. Schretlen for purposes of performing a Rule 35 neuropsychological examination of Plaintiff with respect to his brain injury claims. At this juncture, Defendants do not know if a neuropsychological examination is necessary until Dr. Buchholz can make a recommendation. However, Plaintiffs have objected to such an examination by Dr. Buchholz. As a result of this refusal to consent to an examination, Defendants have filed a motion seeking an order requiring such an examination as well as a motion seeking an order extending the deadline for disclosure of Defendants' expert opinions. Once the Court orders the Plaintiff to submit to an examination, and such examination is performed, Defendants reserve the right to submit a testimonial history and a report by Dr. Schretlen. A copy of Dr. Schretlen's CV and fee schedule are attached hereto as Exhibit I.
7. Thomas Ryan, Ph.D  
Blue Ridge Neuropsychology, P.C.  
40 Lambert Street, Suite 222  
Staunton, VA 24401  
Defendants reserve the right to retain Dr. Ryan for purposes of performing a Rule 35 neuropsychological examination of Plaintiff with respect to his brain injury claims. At this juncture, Defendants do not know if a neuropsychological examination is necessary until Dr. Buchholz can make a recommendation. However, Plaintiffs have objected to such an examination by Dr. Buchholz. As a result of this refusal to consent to an examination, Defendants have filed a motion seeking an order requiring such an examination as well as a motion seeking an order extending the deadline for disclosure of Defendants' expert

opinions. Once the Court orders the Plaintiff to submit to an examination, and such examination is performed, Defendants reserve the right to submit a testimonial history and a report by Dr. Ryan. A statement of Dr. Ryan's qualifications is attached hereto as Exhibit J.

8. Defendants reserve the right to call any and all physicians, nurses, health care personnel, healthcare providers or medical experts who were involved in the care and/or treatment of William L. Talbott, Jr.

9. Defendants reserve the right to call any and all witnesses disclosed by "Plaintiffs' Expert Disclosures" on March 22, 2016 and/or any supplemental disclosures filed thereafter;

10. Defendants reserve the right to call additional witnesses in rebuttal to any other party's evidence; and

11. Defendants further reserve the right to supplement or amend this list of expert witnesses in accordance with the orders of this Court and the Federal Rules of Civil Procedure.

**BEN W. HOOPER, III, ADMINISTRATOR  
OF THE ESTATE OF DAVID L. BOLING,  
FRONTIER TRANSPORT CORPORATION,  
ONLINE TRANSPORT SYSTEM, INC. and  
ONLINE TRANSPORT, INC.**

By /s/Robert L. Massie  
Of Counsel

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W. HOOPER, III, ADMINISTRATOR OF  
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ONLINE TRANSPORT SYSTEM, INC. and  
ONLINE TRANSPORT, INC.**